

the systems of legal procedure throughout our Dominion, somewhat varied in this regard. We do not propose, at present, to discuss the question, for the subject is large, and the points multitudinous, but our attention has just been called to it by the following official report of such a work having just been done by a fellow Canadian, a member of the Quebec Bar, Chief Justice Armstrong, who holds the singular honor of two Chief Justiceships, viz., of St. Lucia, and of Tobago, Islands in the West Indies, under two different systems of law, viz., the former under old French law, as at date of surrender (1803), and the latter under the law of England, each as amended and supplemented by special imperial legislation. His Honor had, as ancillary to his Civil Code, which is based principally on that of Quebec, and embodies as fully as possible the commercial law of England, undertaken to frame a Code of Civil Procedure for the Island. Having an essentially English Bar to contend with in the work, and a markedly-insular Attorney General to battle with, the task has been evidently one of special difficulty, requiring an eliminating alembic faculty of the judicial mind, which does honor to the school (*French Canada*) where trained. The report runs thus, as we find it in the Colonial Blue Book for 1878-9, but really also for 1880, (C. 2730.)

The Governor of St. Lucia reports: "The Code of Civil Procedure referred to in the last named Ordinance has been prepared by Chief Justice Armstrong, and is a work of much labor and thought. It is the sister Code to the 'Civil Code of St. Lucia,' which came into force on 20th October, 1879, and will, when it comes into operation, make that measure complete. This valuable Civil Code has placed the law of the Colony in civil matters on a true and solid foundation, and has for ever set at rest the conflict of French and English law. It is a clear, concise and comprehensive work, and has received the unqualified approval of Her Majesty's Government." Sir Michael Hicks-Beach (then Secretary of State for the Colonies), in conveying Her Majesty's gracious approval of the Code, added: "And I have to express my congratulations to the Colony of St. Lucia upon the achievement of so important a work."

We have seen the Civil Code in question, and

have read it sufficiently to seize its chief modifications. They are numerous, and would on some points be an improvement even to ours. The other work, technical, and involving difficulties, problems hitherto unsolved, we have had some inkling of, and it, certainly, is the more difficult of the two. Not having seen it since its completion we cannot, of course, pass on it, but shall do so as soon as we can.

M. M.

SLANDER.

In Vol. 3 of this journal, p. 67, reference was made to the case of *Simmons & Mitchell*, which had excited much interest in the West India Islands, and in which judgment had been rendered by the highest Court of the Windward Islands. That case was taken to the Privy Council, and on the 26th of November last, judgment was rendered dismissing the appeal. The Judicial Committee thereby affirmed the propositions of law stated by Chief Justice Armstrong (formerly of the bar of Quebec.) The principal question was whether the expressions used by Mitchell, being words of mere suspicion, were actionable *per se*. Chief Justice Armstrong held, first, that the words were not actionable *per se*; and, secondly, that a witness could not be heard to attach a meaning to words which were not ambiguous, unless a foundation were laid to show the animus of the speaker. The judgment of the Privy Council sustained this view, in opposition to the opinions of the Chief Justice of Barbadoes and the Chief Justice of St. Vincent, formerly barristers of the Middle Temple, and this, too, on a question more especially governed by the law of England.

THE LATE MR. L. CUSHING.

Among the younger members of the profession in Montreal, death could hardly have selected one who will be more keenly regretted than Mr. Lemuel Cushing, LL.D., who passed away on the 1st instant, at the early age of 39. Mr. Cushing was admitted to practice at the bar in 1865. For some time he represented Argenteuil in the House of Commons, but, with others, lost his seat by the operation of a new and stringent law on the subject of elections.